

Application No. 10/600,552
Amendment Dated August 16, 2004
Reply to Office Action of May 19, 2004

REMARKS/ARGUMENTS

By this Amendment, the specification is amended and claim 1 is amended. Claims 14-34 have been withdrawn from consideration pursuant to a restriction requirement. Claims 1-34 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

ELECTION/RESTRICTION:

First, applicant affirms the election without traverse of claims 1-13.

IN THE SPECIFICATION:

The Examiner stated that at page 6, line 29, "160" should be "16." By the present Amendment, applicants amend the specification accordingly.

Next, the Examiner stated that at page 7, line 4, "outlet layer 20" should be "inner layer 20." By the present Amendment, applicants amend the specification accordingly.

REJECTION UNDER 35 U.S.C. § 112:

The Examiner first stated that the elected claims are not clear because claim limitations are not shown in the figures and/or lack support in the specification. The Examiner stated that these limitations must be shown or the features canceled from the claims.

First, in claim 1, the Examiner stated that the claim limitation that the instrument panel will be resistant to fragmentation in the event that an impact force is applied to said inner layer is not clear. As stated in the present specification at pages 5, the instrument panel is of a type shown in FIG. 4, and as shown in U.S. Patent No. Re. 36,167 which was fully incorporated by reference (see the present specification at page 5, lines 27-30). As further stated on page 5, lines 20-22 of the present specification, the “film layer would serve to at least partially encapsulate and contain fragmented particles during SIR [supplemental air restraint system] deployment by entrapping the fragmented particles between the outer foil and the film layer on the back side of the instrument panel.” As is clear based on FIG. 4, and as can be seen in the ‘167 patent, the airbag inflates against the inner layer of the instrument panel causing it to lift and allows the airbag to expand.

Second, in claim 11, the Examiner stated that an expandable air bag forming a portion of a supplemental restraint system mounted adjacent the inner layer is not clear. FIG. 4, as amended, schematically shows an expandable air bag forming a portion of a supplemental restraint system. No new matter is added since the airbag can be clearly derived from FIG. 4 along with the written specification (*e.g.*, page 5, lines 17-30) and is fully disclosed in FIG. 3 and its accompanying text (*e.g.*, col. 2, lines 58-61, col. 4, lines 29-49) in U.S. Patent No. Re. 36,167 which was fully incorporated by reference in the present application.

Third, in claim 13, the Examiner stated that the inner layer being reinforced with one or more textiles is not clear or lacks support in the text. It is asserted that the specification and drawings are adequately clear here and meet all of the requirements of 35 U.S.C. § 112. The term “textile” or

Application No. 10/600,552
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“textiles” is used throughout the text and the inner layer is adequately shown in the drawing figures. One skilled in the art of instrument panels would clearly understand this term. It is asserted that no further support or description is required.

Applicant has gone through the application and ensured that the claimed subject matter has been described in the specification and shown in the drawings in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

REJECTION UNDER 35 U.S.C. § 102(b):

The Examiner rejected claims 1-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,316,335 (Gray et al.). The Examiner stated that Gray et al. disclose, in FIGS. 1-5, the invention as claimed. Specifically, the Examiner states that Gray et al. disclose an instrument panel 10, comprising an outer layer 46 having an inner surface, a foam core 44 of expanded plastic and having an inner surface, said core secured to said inner surface of said outer layer, and an inner layer 32 having an inner surface fixedly secured to said inner surface of said core to thereby at least partially encapsulate said foam between it and said outer layer.

Based on the claims, as presently amended, the Examiner is incorrect in his statement that Gray et al. teaches an inner film layer fixedly secured to the inner surface of the core. In Gray et al., the Examiner states that item number 32 is an inner layer. In fact, item number 32 is a merely a small “door” for allowing vehicle airbag to expand into the passenger

compartment of a vehicle. The goal of fragmentation resistance, as claimed, would not be met since item number 32 is only attached to the small door, not to any other portion of the instrument panel. Claim 1 is also amended to require that the inner layer be a film having an inner surface fixedly secured to a substantial portion of the inner surface of said core to thereby at least partially encapsulate said expanded plastic foam between it and said outer layer. As stated in the present specification at page 7, lines 8-13,

The resin film may be applied in the one step steam chest molding operation by introducing the film sheeting into the mold space onto the core half of the mold during machine cycle and using the heated environment of the core chamber to fusion bond the film. The film may otherwise be applied to the backside as a post molding operation using conventional heat bonding equipment and tooling such as sonic welding, heated air, or vibration welding.”

Gray et al., alone or in combination with any of the prior art of record does not encapsulate any portion of the dashboard, let alone a substantial portion of the dashboard.

Moreover, Gray et al., along with all of the prior art references cited by the Examiner, are directed to a dashboard assembly wherein an airbag is inflated through a hole in the dashboard. As can be seen in Gray et al., a cover assembly 14 opens to provide for the airbag of the airbag restraint system 12 to inflate through a rectangular opening 34. The present invention is directed to an entirely different type of airbag system (as shown in FIG. 4). In the type of airbag system of the present invention, a large portion of the dashboard actually raises up and out of the way of the airbag, allowing the airbag to fully inflate. The problem addressed by the present invention is not directly relevant to a dashboard having such a cover assembly (such as cover assembly 14 of Gray et al.).

Application No. 10/600,552
Amendment Dated August 16, 2004
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It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102(b) and pass all of the claims, as amended, to allowance.

The prior art cited by the Examiner, but not specifically discussed, is believed by the applicants to be less relevant than that specifically discussed.

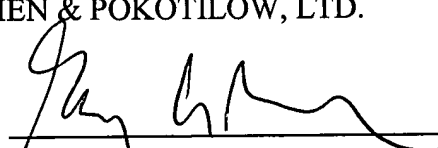
For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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August 16, 2004

Please charge or credit our Account
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entry and/or ensure consideration of
this submission.